

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LINDA HINES,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case Number 17-12694

Honorable David M. Lawson

Magistrate Judge R. Steven Whalen

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT,
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, REVERSING
THE DECISION OF THE COMMISSIONER, AND REMANDING FOR FURTHER
PROCEEDINGS PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(G)**

Presently before the Court is the report issued on October 22, 2018 by Magistrate Judge R. Steven Whalen pursuant to 28 U.S.C. § 636(b), recommending that the Court grant in part the plaintiff's motion for summary judgment, deny the defendant's motion for summary judgment, reverse the decision of the Commissioner, and remand the case for further proceedings under sentence four of 42 U.S.C. § 405(g). Although the magistrate judge's report stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 21) is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment (ECF No. 13) is **GRANTED IN PART**. The plaintiff's request to remand the case is **GRANTED**, but her request for the Court to order an award of benefits is **DENIED**.

It is further **ORDERED** that the defendant's motion for summary judgment (ECF No. 19) is **DENIED**.

It is further **ORDERED** that the decision of the Commissioner is **REVERSED**.

It is further **ORDERED** that the matter is **REMANDED** to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand the administrative law judge shall consider all of the medical opinions of record, elicit additional testimony from a vocational expert if necessary, and provide good reasons for his findings.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Date: November 15, 2018

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 15, 2018.

s/Susan K. Pinkowski
SUSAN K. PINKOWSKI